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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,675	10/06/2004	George R. Pettit	12504.528	4965

7590 02/26/2008
Susan Stone Rosenfield
Craig Fennemore
3003 North Central Avenue
Suite 2600
Phoenix, AZ 85012

EXAMINER

KEYS, ROSALYND ANN

ART UNIT	PAPER NUMBER
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1621

MAIL DATE	DELIVERY MODE
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02/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/510,675	Applicant(s) PETTIT ET AL.	
	Examiner ROSALYND KEYS	Art Unit 1621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4, 14 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 14 and 18 is/are allowed.
- 6) ☒ Claim(s) 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Claims 4, 14, and 18-23 are pending.
Claims 4, 14 and 18 are allowed.
Claims 19-23 are rejected.
Claims 1-3, 6-13, 15-17 are cancelled.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on January 28, 2008 has been entered.

Claim Objections

3. Claim 20 is objected to because of the following informalities: on page 9, last line, the word tetrahydrofuran is misspelled. Appropriate correction is required.
4. Claim 21 is objected to because of the following informalities: on page 13, last line, the word tetrahydrofuran is misspelled. Appropriate correction is required.
5. Claim 23 is objected to because of the following informalities: on page 20, last line, the word tetrahydrofuran is misspelled. Appropriate correction is required.

Allowable Subject Matter

6. Claims 4, 14 and 18 are allowed.

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7. Claims 19-23 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

8. The indicated allowability of claims 19-23 is withdrawn. Rejections follow.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 19-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 is indefinite because: **1)** it contains reaction schemes and steps which are unrelated to the preparation of the claimed compound (see page 4 beginning after the word steps in claim 19 through to the end of page 5); **2)** in the third to the last line on page 6 it is disclosed that "wherein c1 = adding to compound 12.....". However, in the reaction scheme there is a step c2 following compound 12 and not a step c1; **3)** in the last line on page 6 it is disclosed that "wherein d1= treating compound 13....". However, the step immediately following the preparation of compound 13 is step e1; **4)** on page 6, the details of step e1 are missing or the steps disclosed for d1 are actually the steps for e1, thus rendering the details for step d1 missing; and **5)** on page 6, the details for compounds 11 14b, 14c, 14d, 14 e, f and 14 g, h are missing.

Claim 20 is indefinite because: **1)** it contains reaction schemes and steps which are unrelated to the preparation of the claimed compound (see the steps disclosed on page 8 thru to line 15 on page 9); **2)** in the third to the last line on page 9 it is disclosed that "wherein c1 = adding to compound 12.....". However, in the reaction scheme at the bottom of page 8, there is a step c2 following compound 12 and not a step c1; **3)** in the last line on page 9 it is disclosed

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that “wherein d1= treating compound 13....”. However, the step immediately following the preparation of compound 13 is step e1; **4)** on page 9, the details of step e1 are missing or the steps disclosed for d1 are actually the steps for e1, thus rendering the details for step d1 missing; and **5)** on page 9, the details for compounds 11 14b, and 14c are missing.

Claim 21 is indefinite because: **1)** it contains reaction schemes and steps which are unrelated to the preparation of the claimed compound (see the steps disclosed on page 11 thru to the preparation of compound 14c, which is half way down the page, on page 12 and page 13, line 1 to page 14, line 3); and **2)** on page 14, the details for compounds 14 e, f ,14 g, h , 3, 9a, 14k and 14l and steps a3 are missing.

Claim 22 is indefinite because: **1)** it contains reaction schemes and steps which are unrelated to the preparation of the claimed compound (see the steps disclosed on page 15 and the last 5 lines on page 16 thru to line 8 on page 17; and **2)** in line 11 on page 17 it is disclosed that “wherein c1 = adding to compound 12.....”. However, in the reaction scheme on page 16, there is a step c2 following the preparation of compound 12 and not a step c1; **3)** it is not clear whether the step between 14c and 14m is an a1 or an a2; **4)** in line 13 on page 17 it is disclosed that “wherein d1= treating compound 13....”. However, the step immediately following the preparation of compound 13, in the reaction scheme on page 16, is step e1; **5)** on page 17, the details for compounds 11 and 14b and steps a3 are missing.

Claim 23 is indefinite because: **1)** it contains reaction schemes and steps which are unrelated to the preparation of the claimed compound (see the reaction scheme disclosed on page 18 and lines 1-13 on page 20; and **2)** in line 20 on page 16 it is disclosed that “wherein c1 = adding to compound 12.....”. However, in the reaction scheme on page 19, there is a step c2 following the preparation of compound 12 and not a step c1; **3)** on page 19, it is not clear whether the step between 14c and 14m is an a1 or an a2; **4)** on the last line of page 20 it is disclosed that “wherein d1= treating compound 13....”. However, the step immediately

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following the preparation of compound 13, in the reaction scheme on page 19, is step e1; **5)** on page 20, the details of step e1 are missing or the steps disclosed for d1 are actually the steps for e1, thus rendering the details for step d1 missing **6)** it is not clear whether the step between 14c and 14m on page 19 is an a1 or an a2 and **7)** on pages 20 and 21, the details for compounds 11, 14b and 14n and steps a3 are missing.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROSALYND KEYS whose telephone number is 571-272-0639. The examiner can normally be reached on M, R & F 5:30-7:30 am & 1-5 pm; T & W 5:30 am-4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler can be reached on 571-272-0871. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROSALYND KEYS/
Primary Examiner, Art Unit 1621

February 17, 2008

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